



Before the  
**CONSUMER FINANCIAL PROTECTION BUREAU**  
Washington, D.C. 20552

**COMMENTS**

of

**PRIVACY FOR AMERICA**

on the

**Request for Comments in Response to Outline of Proposals and Alternatives Under  
Consideration in Connection with Rulemaking on Consumer Reporting**

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Privacy for America is a coalition of top trade organizations and companies representing a broad cross-section of the American economy, including household brands, media companies, trade associations, financial institutions, advertisers, and more.<sup>1</sup> We appreciate the opportunity to provide comments on the Consumer Financial Protection Bureau’s (“CFPB” or “Bureau”) “Outline of Proposals and Alternatives Under Consideration” in connection with a potential rulemaking on consumer reporting (the “Outline”).<sup>2</sup> Several of the proposals in the Outline would prohibit or sharply limit the availability of data for purposes that are traditionally outside the scope of the Fair Credit Reporting Act (“FCRA”), including prohibiting the use of certain data for advertising or marketing, fraud prevention, data hygiene, data accuracy, data connectivity, identity recognition, and other services vital to small businesses.<sup>3</sup> As discussed in more detail in these comments, such an expansion of the FCRA would severely harm consumers, the economy, and in particular, small entities that contribute to the vibrant American economy.

The CFPB is considering issuing regulations that could bring the activities of many data services companies into scope under the FCRA. The proposals in the Outline would expand what constitutes a “consumer reporting agency” under that act by including much more information within the scope of the term “consumer report.” Many of the potential proposed regulations considered in the Outline could have significant negative downstream effects for small businesses by limiting the entities they rely on—data services companies—from providing valuable and responsible data-driven services. These proposals also would cut off the very data that such small businesses depend on to remain competitive in their respective markets.

Privacy for America agrees that the use of data to make eligibility decisions should be subject to strong and clear protections. Such standards should be set by the democratically elected members of Congress rather than unilaterally by a federal agency that is exceeding the bounds of its statutory authority. Privacy for America’s *Principles for Privacy Legislation* (the “Framework”) provides a model for a preemptive federal law that would define a single, nationwide standard for privacy protections for individuals across the United States.<sup>4</sup>

In these comments, we first catalog several ways data services companies provide considerable value to small and start-up businesses, as well as consumers. Next we address specific proposals in the Outline and explain how those proposals could harm consumers and the economy. We then discuss limits on the CFPB’s authority to expand the reach of the underlying statutory regime, including the FCRA. Finally, we discuss Privacy for America’s Framework, which provides an effective model for the creation of a national, preemptive, and comprehensive standard for responsible data practices.

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<sup>1</sup> Privacy for America, located [here](#) (last visited Oct. 30, 2023).

<sup>2</sup> Consumer Fin. Prot. Bureau, *Small Business Advisory Review Panel for Consumer Reporting Rulemaking*, Outline of Proposals and Alternatives Under Consideration (Sept. 15, 2023), located [here](#) (hereinafter, “Outline”).

<sup>3</sup> *Id.* at 11.

<sup>4</sup> Privacy for America, *Principles for Privacy Legislation*, located [here](#) (hereinafter, “*Privacy for America Framework*”).

**I. Small and start-up businesses, as well as consumers, derive significant value from data services companies and responsible data-driven practices.**

Small and start-up businesses benefit significantly from data services companies and the responsible data-driven services they provide. Many of the products and services that allow new and small businesses to enter markets and compete, for example, use data provided by data services companies that is clearly outside of the scope of “consumer reports.” Access to data spurs healthy competition amongst small, midsize, and large companies. This access distributes economic power, helping to ensure that consumers have choices regarding products and services, and preventing consumers from being forced to deal with only one or two large players without other options in the economy.<sup>5</sup> Additionally, small businesses are able to grow by leveraging more than just the data they receive from direct consumer interactions in order to find new customers and to prevent potential fraud thanks to offerings provided by data services companies.

A majority of small businesses use responsible, data-driven digital advertising, which is powered in part by data services companies and the types of data the CFPB would seek to regulate under the FCRA. Studies show that small businesses spend almost 90% of their marketing budgets on data-driven online advertisements, demonstrating the critical importance of third-party data to powering the ability of small entities to reach consumers and compete in the marketplace.<sup>6</sup> One study of small businesses suggests that approximately 7 of 10 small firms in the U.S. report achieving a higher return on marketing spend through the use of personalized advertising, which is reliant on third-party data.<sup>7</sup> In the same study, these small businesses stated that responsible personalized advertising, enabled by third-party data, “reduc[es] the costs of advertising.”<sup>8</sup> Small entities can affordably and efficiently find audiences of consumers who may be interested in their offerings due in large part to data-driven digital advertising, fueled by data services companies.

In addition, data from data services companies enables governments and private entities alike to identify and root out fraud. For example, data services companies provide products to state governments to help administer public benefits and to prevent fraud against unemployment systems.<sup>9</sup> State governments cited significant losses due to fraud in their systems during the height of the COVID-19 pandemic, for example,<sup>10</sup> and those losses would only grow if vital data they use to thwart attempts to commit fraud is no longer available. Additionally, private companies use data from data services companies to help keep consumers safe in financial

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<sup>5</sup> See J. Howard Beales & Andrew Stivers, *An Information Economy Without Data* at 3 (Nov. 2022), located [here](#) (hereinafter, “Beales & Stivers”); see also Aryamala Prasad, *Two Years Later: A Look at the Unintended Consequences of GDPR*, GEORGE WASHINGTON UNIVERSITY REGULATORY STUDIES CENTER (Sept. 2, 2020), located [here](#).

<sup>6</sup> See DELOITTE, *DYNAMIC MARKETS: UNLOCKING SMALL BUSINESS INNOVATION AND GROWTH THROUGH THE RISE OF THE PERSONALIZED ECONOMY* at 12 (May 2021), located [here](#).

<sup>7</sup> IHS MARKIT, *THE ECONOMIC IMPACT OF ADVERTISING ON THE US ECONOMY 2018 – 2026* at 127 (Nov. 2021), located [here](#) (hereinafter, “IHS MARKIT”).

<sup>8</sup> *Id.*

<sup>9</sup> See, e.g., Office of California Governor Gavin Newsom, *EDD Recovers \$1.1 Billion in Unemployment Insurance Funds, with More Investigations and Recoveries to Come* (Jun. 21, 2022), located [here](#).

<sup>10</sup> *Id.*

transactions and to quickly identify and rectify fraudulent acts. The lack of data that would be caused by many of the proposals in the Outline would impede the ability of governments to efficiently and effectively serve constituents and of private companies to provide safe online experiences.

Consumers also benefit significantly from data services companies and products provided by such companies. One study estimates that the value consumers receive from free online resources—which is made possible due to data services companies and third-party data sets—amounts to \$30,000 per consumer per year.<sup>11</sup> Multiplied across the economy, the economic impact of overregulating data services companies would amount to trillions of dollars in lost value, harming approximately 7.1 trillion dollars in economic output advertising supports every year.<sup>12</sup> These harms would lead to the creation of a two-tiered online environment where those with fewer resources would be largely locked out of the benefits the digital economy provides.<sup>13</sup> Additionally, vital anti-fraud and identity verification products that help consumers remain safe in financial transactions are provided by data services companies.<sup>14</sup> This ecosystem helps prevent companies from being forced to turn to a subscription-based model to remain viable and allows people of all economic levels access to the vast and critically important information and services the Internet provides. Moreover, advertising supported approximately 28.5 million (or 19.5%) of the 145.7 million U.S. jobs in 2020.<sup>15</sup>

If the proposals discussed in the Outline were adopted, they would create major direct costs to U.S. small businesses and consumers. The burdens of imposing such costs on consumers and small businesses would far outweigh the potential benefits for the economy that the proposals in the Outline purport to create.

## **II. Several proposals in the Outline would harm consumers and the vibrant U.S. economy, especially small businesses.**

Many of the proposals in the Outline would unreasonably and impermissibly broaden the scope of the FCRA to the detriment of consumers and small and start-up businesses alike. Below we discuss examples of those proposals detailed in the Outline related to: (a) extending the FCRA’s applicability to “data brokers,”<sup>16</sup> broadly defined; (b) placing onerous, new limits on credit header data; and (c) potential regulations of advertising and the use of aggregated data.

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<sup>11</sup> Beales & Stivers at 2.

<sup>12</sup> IHS MARKIT at 5.

<sup>13</sup> *Id.* at 16.

<sup>14</sup> See FEDERAL TRADE COMMISSION, *Data Brokers: A Call for Transparency and Accountability* at 32-33 (May 2014), located [here](#)

<sup>15</sup> IHS MARKIT at 11-12.

<sup>16</sup> The CFPB defines “data broker” as an “umbrella term used to describe firms that collect, aggregate, sell, resell, licenses, or otherwise share personal information about consumers with other parties,” including “first-party data brokers that interact with consumers directly and third-party data brokers with whom the consumer does not have a direct relationship.” Outline at 7, n. 19.

**a. Broadening the scope of what constitutes a “credit reporting agency” to any entity that shares personal information about consumers would limit products and services small businesses rely upon and contravene the FCRA.**

In the Outline, the CFPB proposes to expand the applicability of the FCRA by broadening the coverage of “consumer reporting agency” (“CRA”) to include “newer actors” such as “data brokers” by mandating that such entities fall within the scope of the FCRA even if they neither know nor intend the data they provide to be used for an FCRA permissible purpose.<sup>17</sup> The Bureau would define the term “data broker” to include entities that do not have a direct relationship with consumers *in addition to entities that do* interact with consumers directly (both third and first parties) that share certain types of personal information (such as payment history) about consumers with third parties, because that data is, in the CFPB’s determination, “typically” used for eligibility purposes.<sup>18</sup> The Bureau would classify such “data brokers,” as defined, to be CRAs.<sup>19</sup> While the CFPB acknowledges that transferring or selling data that is exempt from what constitutes a “consumer report” under the FCRA, such as data related to consumer “transactions or experiences” between a consumer and a data compiler,<sup>20</sup> would not make an entity a CRA, the Bureau must respect the limits the FCRA places on CRAs and “consumer reports” in its definitions. The Bureau cannot materially amend those definitions by rule.

The Bureau’s proposal to expand CRA coverage to entities that do not know information they provide will be used for an FCRA permitted purpose would make it impossible for any entity participating in the data-driven ecosystem to determine whether it is within the scope of the FCRA, whether it is a small business seeking to responsibly use data to find new customers or a data services company seeking to deliver results for its clients. The proposal would make the FCRA’s applicability turn on potential, conjectural uses of data rather than those the entity specifically permissioned or allowed via contract. Moreover, the proposal would cover data and entities that are not within the scope or the purpose and statutory text of the FCRA itself.

Courts agree that the “FCRA does not regulate the disclosure of all information that CRAs” maintain, only data disclosed via “consumer reports,”<sup>21</sup> and entities constitute CRAs only if they “possess the specific intent to provide a consumer report.”<sup>22</sup> Under the proposal in the Outline, all companies that responsibly share data in the modern economy would need to determine not how the data will be used by its recipients or the purposes for which the entity agrees to share data, but instead whether a regulator *might* consider the data being shared as the type which *could potentially* be used for an FCRA permissible purpose. The proposal could impose FCRA requirements on entities even if they conduct significant efforts to impose use restrictions on data and vet the practices of downstream recipients. The result of such a rule would chill legitimate commerce, increase fraud, raise prices for consumers, and force many data

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<sup>17</sup> *Id.* at 7.

<sup>18</sup> *Id.* at 7, n. 19; 8.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 8, n. 20.

<sup>21</sup> *Individual Reference Services v. Federal Trade Commission*, 145 F. Supp. 2d 6, 16 (D.D.C. 2001).

<sup>22</sup> *Kidd v. Thompson Reuters Corp.* 925 F.3d 99, 106 (2<sup>nd</sup>. Cir. 2019).

services companies out of the marketplace, thereby eliminating a crucial source of data and services for small and start-up entities.

**b. The Bureau cannot broaden the FCRA’s reach to “credit header data,” which is traditionally not considered consumer report information and is a critical input into products and services that benefit consumers.**

The CFPB is considering “significantly” reducing CRAs “ability to sell or otherwise disclose credit header data from their consumer reporting databases.”<sup>23</sup> “Credit header data” is a term of art in the consumer reporting industry that is usually defined as “the portion of a credit report that typically contains an individual’s name, aliases, birth date, Social Security number, current and prior addresses, and telephone number.”<sup>24</sup> The Federal Trade Commission (“FTC”) has acknowledged that credit header data serves an important purpose, as it “can be used to reduce the risk of identity theft and credit card fraud, because access to credit header information and other verification tools enables database users to detect attempts at wrongful use of Social Security numbers.”<sup>25</sup> These anti-fraud tools are disproportionately used and valued by small businesses. Further, in 2000, the FTC stated that credit header data is not “not subject to the FCRA because it ‘does not bear on creditworthiness, credit capacity, credit standing, character, general reputation, personal characteristics, or mode of living, unless such terms are given an impermissibly broad meaning.’”<sup>26</sup>

By contrast, the term “consumer report” is clearly defined in the FCRA. It is defined as “any written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living which is used or expected to be used or collected in whole or in part for the purpose of serving as a factor in establishing the consumer’s eligibility” for certain benefits.<sup>27</sup> Credit header data consists of general information about a consumer and merely identifies a particular consumer rather than including information about their creditworthiness or “mode of living.” Credit header data has long been determined to be outside of the scope of the FCRA because it does not bear on any of the aforementioned factors and may not be used to determine eligibility.<sup>28</sup>

Because credit header data is not subject to the FCRA, it is a key input into many products and services designed to assist the government and private sector entities alike in identifying and verifying individuals, protecting consumer identities, and reducing fraud for government benefits, private transactions, and to protect consumers from the same harms. If the CFPB brought credit header data into the scope of the FCRA, it would overturn decades of settled practices built on the guidance and opinions of the FTC and federal courts. Doing so

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<sup>23</sup> Outline at 10.

<sup>24</sup> Federal Trade Comm’n, *Individual Reference Services – A Report to Congress* (December 1997), located [here](#).

<sup>25</sup> *Id.*

<sup>26</sup> *Individual Reference Services v. Federal Trade Commission*, 145 F. Supp. 2d 6, 17 (D.D.C. 2001) (quoting *In the Matter of Trans Union Corp.*, Docket No. 9255, Feb. 10, 2000, at 30).

<sup>27</sup> 15 U.S.C. § 1681a(d).

<sup>28</sup> See Federal Trade Comm’n, *Individual Reference Services – A Report to Congress* (December 1997), located [here](#); see also Federal Trade Comm’n., *40 Years of Experience with the Fair Credit Reporting Act: An FTC Staff Report with Summary of Interpretations* (July 2011), located [here](#).

would create massive disruption to the tools that prevent harm to consumers and small businesses without a clear benefit to any entity other than to those that desire a particular policy outcome regardless of the impact such action would have on society or small businesses.

**c. The Bureau should not deem advertising and marketing activity that does not involve furnishing a consumer report to violate the FCRA.**

The FCRA does not allow CRAs to “furnish” consumer reports to third parties, except for certain statutorily set “permissible purposes,” of which marketing and advertising is not one.<sup>29</sup> The CFPB is considering issuing a rule stating that a CRA furnishes a consumer report without a permissible purpose when it merely *uses* any information it maintains on behalf of a third party, including to help the third party engage in an advertising or marketing campaign even when the third party never receives information from a consumer report.<sup>30</sup> The Bureau provides the example of a CRA using information from consumer reports “and its other databases,” combined with information from a third party to enable the third party to better target consumers for marketing or advertising without providing a “consumer report” to any other entity as an example of a practice that would be prohibited under its proposed rule.<sup>31</sup>

Coupled with the proposed expansion of what constitutes a CRA noted above in Section II(a) and the proposed restriction on credit header data noted above in Section II(b), the proposed limitation on CRA *uses* of data to enable third parties to conduct better advertising and marketing would severely hinder small and start-up businesses’ ability to find new customers, diminish and damage market efficiencies that exist today, and harm consumers by causing prices to rise. Data services companies and other entities that may, in some parts of their business, be CRAs, take care to limit the use of consumer report data and other databases they maintain to uses that are legally appropriate and necessary to provide different services to their clients. These companies provide critical services that further data hygiene, data accuracy, data connectivity, fraud prevention, identity recognition, and other vital services that benefit consumers and the business community. If a data services company uses income information in combination with data provided from a client about an intended advertising audience, the proposal in the Outline would make this process impermissible under the FCRA. This is an absurd result of the overreach that the Outline proposes, and the negative impacts of this approach would be felt more acutely by small businesses that rely on data services companies than their larger counterparts in the marketplace.<sup>32</sup>

The CFPB is also considering including aggregated data within the scope of the FCRA. The CFPB is proposing to severely limit the sharing of “household-level data, or data aggregated at broader geographical levels.”<sup>33</sup> Such aggregated information does not bear on a consumer individually. Aggregated data represents trends and information that relate to a group or category of consumers. If truly aggregated, such data is not linked to a particular individual, meaning consumer identities have been removed from the data set. Courts have acknowledged

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<sup>29</sup> 15 U.S.C. § 1681b.

<sup>30</sup> Outline at 11.

<sup>31</sup> *Id.*

<sup>32</sup> Beales & Stivers at 29.

<sup>33</sup> Outline at 11.

the difference between aggregated data about groups of consumers, and information that is individually identified, stating that aggregated data is not typically a consumer report.<sup>34</sup> Because aggregated data does not identify an individual, it does not “bear” on a consumer individually or their eligibility for a particular benefit, and thus the Bureau should not limit its use through CFPB regulation. If the CFPB, contrary to decades of precedent, were to restrict the ability to share and use aggregated data, it would upend privacy protective practices that seek to understand how groups of consumers act instead of imposing meaningful protections for any individual consumer.

### **III. The CFPB may act only within the authority granted to it by Congress.**

While the CFPB’s rulemaking authority with regard to the FCRA includes the ability to issue rules to carry out the “purposes and objectives” of the FCRA, those rules and regulations must still respect the direction and statutory structure that Congress created with the FCRA. The rulemaking authority provided by Congress to the CFPB is not absolute, and the U.S. Supreme Court has warned that there is a “particular and recurring problem [of] agencies asserting highly consequential power beyond what Congress could reasonably be understood to have granted.”<sup>35</sup> While Congress provided the CFPB with rulemaking authority under the FCRA, it also crafted the FCRA to set the boundaries of that authority. These congressionally mandated limits are guardrails that the CFPB should be careful not to attempt to leap over as it considers new regulations.

Any proposals put forward that would alter the careful balance struck by Congress, the democratically elected and accountable legislative branch, should be avoided. The proposals in the Outline seek to expand the FCRA’s scope, as discussed above, to regulate uses of data for marketing, aggregated data, and data that has long been held to be outside the definition of “consumer reports.” The “major questions doctrine” holds that courts should not grant *Chevron* deference to agency statutory interpretations that concern questions of “vast economic or political significance.”<sup>36</sup> Many of the proposed regulations in the Outline would certainly concern questions of these types. Congress has not clearly spoken on these questions in a manner that provides the Bureau with the authority it claims to have in this rulemaking proposal.

For example, Congress defined carefully what a “consumer report” means for purposes of the FCRA. Specially, in that definition Congress limited the very broad scope of information that bears on a consumer’s “general reputation, personal characteristics, or mode of living” to apply to reports only when that information would be used as a factor in establishing eligibility for “(A) credit or insurance to be used primarily for personal, family, or household purposes; (B) employment purposes; or (C) any other permissible purpose authorized under [the FCRA].”<sup>37</sup> One of the CFPB’s proposals is to expand this definition to include certain information about consumers that it says are “typically used” for eligibility decisions.<sup>38</sup> To expand the scope of the

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<sup>34</sup> CRAs are allowed to “to prepare and disclose aggregated information relating to a hypothetical consumer residing in a given geographical area” without triggering the FCRA. *Individual Reference Services v. Federal Trade Commission*, 145 F. Supp. 2d 6, 17 n.6 (D.D.C. 2001).

<sup>35</sup> *West Virginia v. EPA*, 142 S. Ct. 2587, 2609 (2022).

<sup>36</sup> *Id.* at 2605.

<sup>37</sup> 15 U.S.C. § 1681a(d).

<sup>38</sup> Outline at 8.



definition of consumer report to include information because the CFPB considers the data to be of a type that is “typically” used for a permissible purpose runs afoul of Congress’s intent and clear drafting. Congress defined a consumer report to include certain types of data used as “a factor in establishing” eligibility for certain purposes, not a class of data as that could be, may be, or is “typically” used for determining eligibility for a certain purpose.<sup>39</sup>

Moreover, Congress legislated three times in the course of a decade with the understanding that the data fields in “credit header data” were not consumer reports, and through such legislative updates made no attempt to change that approach to such data. Congress passed the Gramm-Leach-Bliley Act of 1999 that arguably regulated “credit headers,”<sup>40</sup> as well as amendments to the FCRA under the Fair and Accurate Credit Transactions Act of 2003 and the Dodd-Frank Wall Street Reform and Consumer Protection Act in 2010 that left untouched the status of “credit headers.” Congress has thus declined, time and time again, to alter via legislation the established understanding that “credit headers” are outside the scope of consumer reports. In accordance with guiding and doctrinal canons of statutory interpretation, the well-understood and long-standing conclusion that “credit headers” are not consumer reports must be presumed to remain intact if Congress has done nothing to change it.<sup>41</sup>

The CFPB is not a legislative body, and actions that would alter congressional intent and provide the CFPB with “sweeping and consequential” authority without clear direction from Congress to do so should be avoided.<sup>42</sup> An unelected independent agency cannot replace its policy goals with those of Congress, and the development of any CFPB rules must stay within the delegation of authority embodied in the FCRA as passed through the legislative process.

#### **IV. The Bureau should support Congress’s efforts to pass preemptive federal legislation to provide protections for consumer data broadly.**

The Privacy for America Framework proposes to set new limits on the use of all personal information about consumers for certain eligibility purposes.<sup>43</sup> The Framework would also create new requirements for data transfer oversight between covered organizations.<sup>44</sup> Adopting this approach on a nationwide level, applicable to the entire marketplace (not just CRAs), would have a wider and more significant impact on consumer protection than the rulemaking proposed in the Outline.

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<sup>39</sup> 15 U.S.C. § 1681a(d).

<sup>40</sup> Note, however, that regulating “credit headers” under the FCRA may exceed the CFPB’s statutory authority. *See, e.g., Experian Info. Solutions, Inc. v. FTC*, No. 3-00-CV-1631-H, 2000 U.S. Dist. LEXIS 23154, at \*1-3.

<sup>41</sup> *See, e.g., Apex Hosiery Co. v. Leader*, 310 U.S. 469, 488-89 (1940) (holding that “[t]he long time failure of Congress to alter [legislation] after it had been judicially construed... is persuasive of legislative recognition that the judicial construction is the correct one.”); *Flood v. Kuhn*, 407 U.S. 258, 283-84 (1972) (“We continue to be loath... to overturn those cases judicially when Congress, by its positive inaction, has allowed those decisions to stand for so long and, far beyond mere inference and implication, has clearly evinced a desire not to disapprove them legislatively.”)

<sup>42</sup> *West Virginia v. EPA*, 142 S. Ct. 2587, 2608 (2022).

<sup>43</sup> *Privacy for America Framework* at 17-18.

<sup>44</sup> *Id.* at 21-22.

Specifically, the Privacy for America Framework would prohibit the use of personal information to:

“determine that an individual is ineligible for any of the benefits listed below, or to impose adverse terms or conditions in granting such benefits, except as permitted under federal or state laws or regulations applicable to the covered organization:

- a. Employment;
- b. Credit;
- c. Insurance;
- d. Health care;
- e. Education admissions;
- f. Financial aid; or
- g. Housing.”<sup>45</sup>

Additionally, covered organizations would be required to engage in reasonable due diligence before sharing information with third parties and vendors, and to monitor compliance with those agreements with regard to the vendors that receive that information.<sup>46</sup>

These safeguards are the types of consumer protections that could be put in place by Congress. The Congress is able to create law that applies to more businesses, and that protects consumers in more depth, than the Bureau can reasonably achieve through new rules under the FCRA. Instilling broad consumer protections related to data use is an outcome that the CFPB appears to support based on the content of the Outline. Therefore, instead of attempting to achieve the Bureau’s desired policy aims through a rulemaking with significant flaws, the CFPB should support a legislative solution to protecting consumers from potential misuse of data about them.

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Thank you for the opportunity to provide comments on the Outline. Please contact Stu Ingis, Counsel to Privacy for America, at [singis@venable.com](mailto:singis@venable.com) with questions regarding this submission.

Sincerely,

Privacy for America

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<sup>45</sup> *Id.* at 17-18.

<sup>46</sup> *Id.* at 21.